

## REMARKS

Claims 1-5, 11-13, 15-21, and 33-48 are pending in the application. In an Office Action dated August 8, 2005, the Examiner (1) withdrew claims 11, 12, 15-17, and 33-38 as being directed towards a non-elected invention; (2) objected to the specification; (3) objected to the drawings; and (4) rejected claims 1-5, 13, 18-21, and 39-48. By way of this Amendment, Applicants hereby (1) cancel Claims 1-10, 13-14, 20-32, 41-42, and 46-47 without prejudice; (2) amend Claims 18, 19, 39, 40, 43-45, and 48; and (3) present new Claims 49-61. Pursuant to 37 C.F.R. 1.111, Applicants hereby request reconsideration.

## SPECIFICATION OBJECTIONS

The Examiner objected to the specification because reference numerals 28A, B and wheel 80B do not correspond to the drawings. The Examiner requested a substitute specification with markings showing the changes, an accompanying clean version, and a statement that the substitute specification does not contain new matter. Applicants hereby amend the specification, as set forth in the Amendments to the Specification section above, and provide an accompanying clean version. Also, Applicants hereby provide replacement figures to correspond with the specification amendments. No new matter has been added.

## DRAWING OBJECTIONS

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) for failing to show the claimed features (1) breakaway connectors and (2) coupling without tools. Applicants hereby cancel Claims 4, 5, 21, 42, 46, and 47 rendering this rejection moot. However, Applicants hereby reserve the right to present these claims in any related application.


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ACAT-1-1015ROA2

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## SECTION 112 REJECTIONS

The Examiner rejected Claims 1-5, 13, 18-21, and 39-48 under 35 USC 112, second paragraph as being indefinite. Specifically, the Examiner regarded the phrases “adapted” and “without” as being indefinite. Applicants herein (1) cancel Claims 1-5, 13, 20, 21, 41, 42, 46, and 47 and (2) amend Claims 18, 19, 39, 40, 43-45, and 48. Applicants respectfully submit that these amendments overcome this rejection. Applicants reserve the right to pursue the canceled subject matter of these claims in any related application.

The Examiner rejected Claims 3, 19, 40, and 45 under 35 USC 112, first paragraph as failing to comply with the written description requirement. Specifically, the Examiner found no support for “adjustable in any direction ... comprising rotationally” in the specification. Applicants have canceled Claim 3 and amended Claim 19. Applicants respectfully traverse this rejection with regard to Claims 40 and 45. The original specification states, “For example, although the high and low positions [vertical] shown differ from one another in terms of the height of the fender bodies 14A, 14B, 28A, and 28B above their respective wheels 22A, 22B, 48A, and 80B, this is exemplary only. For example, for certain embodiments it may be suitable to facilitate positioning of the 14A, 14B, 28A, and 28B at different lateral positions [lateral], at different positions along the length [horizontal] of the vehicle, at different angles [rotation], etc.” (Page 9, Lines 19-24). Accordingly, Applicants respectfully submit that Claims 40 and 45 are supported by the specification.

## SECTION 102 REJECTIONS

The Examiner rejected Claims 1-3, 13, 18-19, 39-40, 43-45, and 48 under 35 U.S.C. 102(b) as being anticipated by Mortvedt (U.S. Patent No. 4,591,178). Specifically, the Examiner regarded Mortvedt as being an all-terrain vehicle tractor having a fender, wheel, a first mounting assembly, and a second mounting assembly, wherein the assemblies are positioned at different distances from the wheel. Applicants hereby amend and traverse.


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Applicants have canceled Claims 1-3 and 13.

Regarding amended Claim 18, Mortvedt does not disclose or suggest a method for selectively mounting a fender to either a frame or a suspension. Mortvedt simply shows a translatable mounting to the body of a tractor. Mortvedt provides no teaching of the option of mounting to a suspension and thus having the fender close to and move with the wheel in this optional mounting position.

Claim 19 further recites that once mounted to either the frame or suspension the fender may be removed and mounted to the other of the frame or suspension. This method is likewise not taught or suggested by Mortvedt.

Regarding amended independent Claim 39, Applicants submit that Mortvedt does not teach or fairly suggest “wherein the mounting assembly is configured to be coupled to the all-terrain vehicle at any of at least two different locations, *the at least two different locations being at least vertically separated.*” Instead, Mortvedt expressly limits its disclosure to coupling a mounting assembly *only at locations separated by a horizontal distance*. For example, Figures 1 and 2 illustrate *all mounting positions 18 along the same horizontal plane*. Indeed, *a horizontal dashed line* is drawn between each of the mounting positions to *reinforce the horizontal plane*. Further, in the detailed description Mortvedt states, “Bracket 24 is secured to frame 12 by means of a bolt 42 which extends through bolt receiving hole 40 and *through one of the holes 18 in frame 12.*” (Col 2, Line 47). Accordingly, Applicants respectfully submit that independent Claims 1, 18, and 39 and their respective dependent claims are allowable.

Regarding amended independent Claim 44, Applicants submit that Mortvedt fails to teach or fairly suggest “wherein the mounting assembly is configured to be optionally coupled to any of a frame and *a wheel suspension of the all-terrain vehicle.*” Regarding dependent Claims 2, 49, and 50, Applicants submit that Mortvedt fails to teach or fairly suggest “wherein the at least two different locations include *a suspension of the all-terrain vehicle.*” Instead, Mortvedt expressly limits its disclosure to *frame mounting*. For example, Figures 1, 2, and 3 each illustrate

*frame mounting and not suspension mounting.* Further, the detailed description states, (1) “a stationary bracket adapted to be mounted to *a vehicle frame*” (Abstract); (2) “Bracket plate 30 includes a bolt receiving hole 32 therein which permits it to be attached to *the tractor frame 12* by means of a bolt 34” (Col 2, Line 41); (3) “Bracket 24 is secured *to frame 12* by means of a bolt 42” (Col 2, Line 47); and (4) “bracket means adapted to be mounted to *said vehicle frame*” (Claim 1). Accordingly, Applicants respectfully submit that amended independent Claim 44 and dependent Claims 2, 49, and 50 are allowable.

### SECTION 103 REJECTIONS

The Examiner rejected Claims 4, 5, 20, 21, 41, 42, 46, and 47 under 35 USC 103(a) as being obvious. Applicants herein cancel Claims 4, 5, 20, 21, 41, 42, 46, and 47 rendering this rejection moot. However, Applicants hereby reserve the right to pursue the subject matter of these claims in any related application.

### NEW CLAIMS

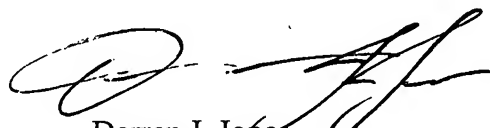
Applicants herein present new Claims 49-61. No new matter has been added. These claims are also patentable over the prior-art references cited. In particular, none of the references, either alone or in combination, teach or suggest frame and suspension assemblies both having fender mount locations with a fender mount selectively securable to one or the other (Claim 49). The references further do not teach or suggest the elements recited in the claims dependent from Claim 49, namely, separate upper and lower mount assemblies (Claim 50), a single fender attachable to either mount location (Claims 51 and 54), separate upper and lower fenders (Claim 52), a single mount member securable in either location (Claim 53), attachment to front or rear wheel location (Claim 55). New Claims 56-61 are likewise patentable.

## CONCLUSION

The Examiner is kindly thanked for the careful attention to the present application. Applicants request withdrawal of the rejections, allowance, and early passage of the claims through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicants' attorney listed below.

Respectfully submitted,

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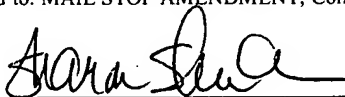
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## EXPRESS MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via Express mail under 37 C.F.R. § 1.10 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/9/05

Date of Deposit



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